

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Mrs. Valina C. Sullivan

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Creedmoor Psychiatric
Center et al

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. CV 22-3420

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

KOVNER, J

BLOOM, M.J.

ORIGINAL

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Valina Sullivan</u>
Street Address	<u>150-63 116th Ave</u>
City and County	<u>Jamaica NY 11434</u>
State and Zip Code	
Telephone Number	<u>718-496-2197</u>
E-mail Address	<u>veevce1958@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Creedmoor Psychiatric Center</u>
Job or Title (if known)	
Street Address	<u>79-25 Winchester Boulevard</u>
City and County	<u>Queens Village</u>
State and Zip Code	<u>NY 11427</u>
Telephone Number	<u>718-264-4050</u>
E-mail Address (if known)	

Defendant No. 2

Name	<u>Martha Adams Sullivan</u>
Job or Title (if known)	<u>Executive Director</u>
Street Address	<u>79-25 Winchester Boulevard</u>
City and County	<u>Queens Village</u>

State and Zip Code NY 11427
Telephone Number 718-264-4050
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name Valina Sullivan
Street Address 79-25 Winchester Boulevard
City and County Queens Village
State and Zip Code NY 11427
Telephone Number 718-264-4050

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Defendant No. 3

Name Darrin Gerson

Job or Title Chief of Service

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 4

Name Adrienne Jones

Job or Title Director of Human Resources

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address Adrienne.Jones@Omb.ny.gov

(if known)

Defendant No. 5

Name Jeff Williams

Job or Title Workplace Violence Liaison

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-643-4050

E-mail Address N/A

(if known)

Defendant No. 6

Name Clara Ortiz

Job or Title Human Resource Specialist
(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____
(if known)

Defendant No. 7

Name Marie S. Jean-Louis

Job or Title Chief of Nursing Officer
(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____
(if known)

Defendant No. 8

Name Neuka Enjuka

Job or Title Promoted ADON
(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____
(if known)

Defendant No. 9

Name MS. Charles

Job or Title Nurse Administrator I

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 10

Name Matthew Sujata

Job or Title Nurse Administrator I

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 11

Name MS. Jackson

Job or Title Treatment Leader Ward 8A

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 12

Name Ms. Carla Wright

Job or Title Nurse

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 13

Name Kizle Redhead

Job or Title Mental Health Treatment Aide

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 14

Name Kimberly Hutchinson

Job or Title Mental Health Treatment Aide

(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____

(if known)

Defendant No. 15

Name Phillip - Noe

Job or Title Mental Health Treatment Aide
(if known)

Street Address 79-25 Winchester Boulevard

City and County Queens Village

State and Zip Code NY 11427

Telephone Number 718-264-4050

E-mail Address _____
(if known)

Defendant No. _____

Name _____

Job or Title _____
(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

Defendant No. _____

Name _____

Job or Title _____
(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

☐ Other federal law (*specify the federal law*):

☐ Relevant state law (*specify, if known*):

☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (*specify*): Discrimination, Retaliation

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

3/22/22, 3/7/22, 8/20/21, 7/29/21, 10/8/20

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/9/, 2022

Signature of Plaintiff MS. VALINA C. SULLIVAN
Printed Name of Plaintiff MS. VALINA C. SULLIVAN

Continue:

III Statement of Claim

A. The discriminatory conduct of which I complain in this action includes

3. Harassment
4. Assault
5. Targeting
6. Intimidation
7. Bullying
8. Defamation of Character
9. Slander of my Name
10. Tarnishing my work reputation
11. Workplace Violence continue —————>

Continue:

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

6. 8/28/20
7. 7/1/20
8. 3/12/20
9. 3/3/20
10. 1/2020
11. 1/20/20
12. 12/2019
13. 12/19/19
14. 11/18/19
15. 7/2019
16. 4/18/19

III. Statement of Claim

A.

12. Violation of My Employee Rights
13. Civil Rights

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
☐ color _____
☒ gender/sex _____
☐ religion _____
☒ national origin _____
☒ age. My year of birth is 1958. *(Give your year of birth only if you are asserting a claim of age discrimination.)*
☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

Discrimination, Retaliation,
Targeting, Bullying, Intimidation,
Treating me unequally, Slandering
my name, tarnishing my work
record. Forcing me out of the
work place by Resigning and
Termination.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

February 16, 2022

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on *(date)*

March 14, 2022

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking from the court to order
50 million dollars, to return back to
my primary ward 8A and to have use
of a locker. For Administration to STOP
coming up with ways and reasons to
have me wrongfully put off ward 8A.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 03/14/2022

To: Ms. Valina Sullivan
150-63 116th Ave Pvt
Jamaica, NY 11434

Charge No: 520-2021-04120

EEOC Representative and email: Debra Richards
Federal Investigator
debra.richards@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 520-2021-04120.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

On Behalf of the Commission:

Digitally Signed By: Judy Keenan
03/14/2022

Judy Keenan
District Director

cc:

Adrienne Jones
Director of Human Resources
CREEDMOOR PSYCHIATRIC CENTER
Adrienne.Jones@Omh.ny.gov

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (Release Date)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Enclosure with EEOC Notice of Closure and Rights (Release Date)

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 520-2021-04120 to the District Director at Judy Keenan, 33 Whitehall St 5th Floor New York, NY 10004. You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to: <https://www.eeoc.gov/eeoc/foia/index.cfm>.

Enclosure with EEOC Notice of Closure and Rights (Release Date)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 520-2021-04120 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div>	
New York State Division Of Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Ms. Valina Sullivan		Home Phone 718-496-2197	Year of Birth 1958
Street Address 150-63 116th Ave Pvt JAMAICA, NY 11434			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CREEDMOOR PSYCHIATRIC CENTER		No. Employees, Members 15 - 100 Employees	Phone No. (718) 264-4050
Street Address 7925 Winchester Blvd. Queens Village, NY 11427			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON Retaliation, National Origin, Race, Sex, Age		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest 03/09/2020 Latest 03/09/2020 </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I began my employment with Respondent twenty years ago and currently hold the title of Secure Care Treatment Aide I. I believe I am being treated unfairly by the Respondent because of my national origin (Black/American), sex (Female), age (63). I have also been subjected to retaliation for my protected activity. Specifically, on March 9, 2020 I reported to work on the Night Shift to my Primary Ward 8A. My schedule is Monday through Friday (11:30PM to 8:00AM). The primary nurse Mathew for ward 8A on night shift informed me "Sullivan you can't work the ward". I returned to the CNO's office and the supervisor by the name of Enjuka Neuka told me "you can't work ward 8A" and I responded by asking "Why not" and she responded back "I don't know and said Ms. Charles told me that you can't work ward 8A" and I responded "Ms. Charles saw me when I came in why she didn't she tell me before I went to the ward". Enjuka Neuka told me to "go to ward 2B" and I did. This is the 3rd time that I have been harassed, intimidated, bullied by Administration and the Nursing department who continues to wrongfully put me off of my primary ward 8A and is still being harassed, bullied and intimidated. I filed a Grievance on 7/29/2021 with the Union CSEA about being assigned to ward 2B. I am still being harassed, bullied and intimidated. I filed a Grievance with the union on July 29, 2021 with the Union CSEA about being assigned to ward 2B. Since			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Ms. Valina Sullivan 02/16/2022 <div style="text-align: right;"><i>Charging Party Signature</i></div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 520-2021-04120</p> <p align="center">FEPA</p>
<p>New York State Division Of Human Rights and EEOC</p> <p><i>State or local Agency, if any</i></p>	

this time things have become worse and I am being pushed out of the job. Based on the above, I believe my rights have been violated under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act (ADEA).

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Ms. Valina Sullivan</p> <p>02/16/2022</p> <p align="right"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

STATE/CSEA DISCIPLINARY (ARTICLE 33) GRIEVANCE FORM

FOR EMPLOYEES IN THE
ADMINISTRATIVE, INSTITUTIONAL AND OPERATIONAL SERVICES UNITS
AND THE
DIVISION OF MILITARY AND NAVAL AFFAIRS UNIT

Instructions to Employee and Agency: Employees in all CSEA negotiating units must use this form to start a disciplinary grievance pursuant to Article 33 Memorandum of Agreement between the State and the Civil Service Employees Association, Inc. ~~A copy of this grievance must simultaneously be filed with the individual who issued the notice of discipline.~~ Employees must be advised that they have a right to be represented or to decline such representation and be given a reasonable period of time to obtain representation (either CSEA or an attorney of the employee's choice) in proceedings brought under Article 33 and before executing any settlement of a disciplinary grievance."

PLEASE ATTACH NOTICE OF DISCIPLINE WITH THIS FORM

(PLEASE PRINT OR TYPE)

Agency and Facility Creedmoor Psych CTR Date 7/1/2020

Employee's Name MS SULLIVAN UNLINA C

Employee's Home Address MS SULLIVAN 16TH AVE JAMAICA NY 11434

Employee's Phone Number (718) 496 2197

Employee's Representative (Check One) ☒ CSEA ☐ Personal Attorney _____

Mailing Address _____

I wish to grieve the Notice of Discipline issued to me on 7/1/2020 pursuant to Article 33.

I wish to grieve a violation of the procedure of Article 33 (Discipline), Subsection(s) _____

Date of Occurrence 11/10/2019, 11/28/2019, 01/23/2020, 2/13/2020
3/31/2020

Remarks (Employee should use this space to support the grievance): THE CHARGES ARE
NOT TRUE FOR THE ABOVE DATES

Remedy Sought: TO HAVE ALL THE CHARGES DROPPED

EMPLOYEE SIGNATURE MS. UNLINA SULLIVAN

PLEASE SUBMIT THIS FORM, ALONG WITH A COPY OF THE NOTICE OF DISCIPLINE,
WITHIN 21 CALENDAR DAYS TO:

~~(A copy of this form must simultaneously be filed with the individual who issued the Notice of Discipline)~~

DISCIPLINARY PANEL ADMINISTRATION
CORPORATE PLAZA EAST - SUITE 502
240 WASHINGTON AVENUE EXTENSION
ALBANY, NEW YORK 12203
FAX # (518) 486-9737
EMAIL: DPAEFAX@goer.nv.gov

Date Received By Disciplinary Panel Administration



Creedmoor Psychiatric Center

ANDREW M. CUOMO
Governor

ANN MARIE T. SULLIVAN, M.D.
Commissioner

MARTHA ADAMS SULLIVAN, DSW
Executive Director

Date: 7/1/2020

Valina Sullivan
150-63 116th Ave
Jamaica, NY 11434

Shift/Dept.: Night/ASTU
Pass Days: Sat/Sun
Title: SCTA 1
Representation Unit: CSEA/ISU
Page 1 of 2

Notice of Discipline

Dear Ms. Sullivan:

In accordance with the provisions of Article 33 of the Agreements between the State and Civil Service Employees Association, a disciplinary proceeding is instituted against you. The reason(s) for this disciplinary action and the proposed penalty are contained in the attachment to this letter.

The proposed penalty will take effect twenty-one (21) calendar days from the date of service of this Notice subject to the provisions of Article 33.3(b) of the Agreements.


If you wish to grieve this Notice of Discipline, you may do so by completing the disciplinary grievance form and filing it within twenty-one (21) calendar days of service of this Notice, in person or by certified or registered mail, return receipt requested, with the Disciplinary Panel Administrator, Corporate Plaza East, 240 Washington Avenue Extension, Suite 502, Albany, NY 12203, FAX#: 518-486-9737. A copy of the grievance form must simultaneously be filed with the NYS Office of Mental Health, Bureau of Employee Relations, 44 Holland Avenue, Albany, NY 12229.

You are provided with an additional copy of the Notice of Discipline so that you can give one to your union representative [employees in your negotiating unit are represented by the Civil Service Employees Association (CSEA)] or a private attorney of your choice at your expense. Also attached is a copy of a "Statement Required to Accompany Notice of Discipline (DG2) and a copy of Article 33. You should read carefully the attached statements relating to the disciplinary grievance procedure and to the rights provided to you by the State/CSEA Agreements.

You and your representatives should contact this facility's Personnel Office within the next seven (7) days to arrange a meeting to discuss the possibility of settling this Notice of Discipline on a mutually satisfactory basis. Such settlement discussion in no way abridges or otherwise limits your contractual rights to appeal this Notice of Discipline.

A FACILITY OF THE OFFICE OF MENTAL HEALTH

Very truly yours,



Martha Adams Sullivan, DSW
Executive Director



Darrin Gerson
Chief of Service

Attachment(s), cc: BER, Dept./Unit Head, Personnel, Disciplinary Folder

A FACILITY OF THE OFFICE OF MENTAL HEALTH

79-25 Winchester Boulevard, Queens Village, NY 11427 | (718) 264-3600 | Fax: (718) 264-3635 | omh.ny.gov

ATTACHMENT TO NOTICE OF DISCIPLINE

Valina Sullivan
150-63 116th Ave
Jamaica, NY 11434

Date: 7/1/2020
Union: CSEA/ISU
Title: SCTA

STATEMENT OF CHARGES

The specific charges of misconduct/incompetence are being preferred against you as follows:

Charge 1:

On November 10, 2019, while on duty as a Secure Care Treatment Aide 1 on Ward 8A, you acted inappropriately. Specifically, while having a conversation with Sujata Matthew, Nurse Administrator 1, you stated, "these immigrants come here and don't want to work," or words to that effect.

Charge 2:

On November 28, 2019, while on duty as a Secure Care Treatment Aide on Ward 8A, you acted inappropriately. Specifically, after being informed that Kimberly Hutchinson, Mental Health Therapy Aide, would be working on the Ward, you yelled, "I don't want her working here and if she's working here, I'm leaving," or words to that effect.

Charge 3:

On January 23, 2020, while on duty as a Secure Care Treatment Aide on Ward 8A, you acted inappropriately. Specifically, in response to hearing that Shanae Phillips-Noe, Mental Health Therapy Aide Trainee, would be leaving the unit at 9:30 a.m. to go to Human Resources, you stated: "Y'all think y'all pulling the wool over my eyes, but I see what's going on, y'all not gonna keep disrespecting me in here and going over me, cause I don't play that. If you need to go somewhere you tell me, not the nurse. That's the problem, I'm overqualified, more qualified than y'all, I came to Creedmoor with this qualification and y'all don't understand," or words to that effect.

Charge 4:

On February 13, 2020, while on duty as a Secure Care Treatment Aide 1 on Ward 8A, you acted inappropriately. Specifically, you stated to Kizle Redhead, Mental Health Therapy Aide, "Why don't you go back to ward 2B (Geriatric Ward) and clean shit, they need you down there," or words to that effect.

Charge 5:

On March 5, 2020, while on duty as a Secure Care Treatment Aide 1 on Ward 8A, you acted inappropriately. Specifically, while Kizle Redhead, Mental Health Therapy Aide, was assisting a nurse with a blood draw on an agitated patient, you loudly stated; "You have EOFS, get out of here, go do your assignment," or words to that effect, when Ms. Redhead had already completed the assignment for that 15 minute timeframe.

Your actions as noted in the charges noted above violate the New York State Equal Employment Opportunity: Rights and Responsibilities Handbook prohibition against discrimination on the basis of national origin and the Creedmoor Psychiatric Center Health and Safety Policy, Safe Work Environment.

In determining the appropriate penalty for this Notice of Discipline, your entire counseling/disciplinary history has been taken into account. Your history follows:

Counseling Date
08/09/19

Issue
Completed Patient Monitoring in advance

NOD Date
11/03/14

NOD Charge
Inattentive to duty/failed to perform
Patient observations

Penalty
Fine of 40 hours of pay

Accordingly, the penalty proposed against you shall be a

Four (4) Week Suspension without Pay

My signature below represents my personal receipt of two (2) copies of this Notice of Discipline, a Statement of Employee Rights and a copy of Article 33 of the Agreement between the State of New York and the Civil Service Employees Association.

Employee's Signature

MS. I/Alina Sullivan Date 07/1/2020

Number of pages received:

4 PAGES

111. Statement of Claim

E. The facts of my case are as follows. Attach additional pages if needed.

March 22, 2022

On March 22, 2022 I was directed to appear in the Risk Management Office located in building 40 on the 16th floor at 8AM to be interrogated about an alleged patient abuse/neglect by the Justice Center.

(See Documentation)

March 7, 2022, 1:30 PM Ward 8A Dayshift

Ms. Carla Wright, who is a nurse working at Creedmoor Psychiatric Center on Ward 8A day shift, was discriminating against me while I was working overtime on March 7, 2022, on ward 8A dayshift. Ms. Wright does not like me because I am a Black American woman, the age of 63, I am educated about working with the patients and how to work with the patients. Ms. Wright has been verbalizing to the dayshift supervisors Mr. Sijoy and Ms. Josay, "I don't want Sullivan, working on 8A". Ms. Wright is selective about who, when, what and how she wants to report. On March 7, 2022, at 1:30 PM Ms. Wright, verbalized to me "I have to report you to the supervisor Sijoy, I'm making an incident report, I'm calling Risk Management and the Justice Center on you". Ms. Wright only wants her Jamaican counterparts like herself and others who are not Black American working with her on ward 8A. (See Documentation).

August 20, 2021, Patient and MHTA Redhead

Grade 9 Mental Health Treatment Aide Kizle Redhead, who works at Creedmoor Psychiatric Center and who is assigned to work on ward 8A night shift. Kizle Redhead is discriminating against me, harassing me, disrespecting me, ganging up on me, with the help of administration, the nursing department, and the co-workers. Every time when I report Kizle Redhead, becomes retaliatory against me, using the patient care, the nurse, and the co-workers to help her. On August 20, 2021 about 12:30 AM Kizle Redhead, was prompting and coercing a patient into verbalizing about becoming a danger and a threat to me while working on ward 8A night shift. The ward's environment was becoming unsafe for patient, other patients, staff, others, and myself so, I called to the Central Nursing Office and was speaking with the supervisor Ms. Elizabeth. I asked her "can you come up to ward 8A" and she made herself present immediately. I wrote a statement about what had occurred and got my personal belongings because I was forced to leave 8A ward. I went to the CNO and spoke with Ms. Jaya Thomas, who was the former ADON on night shift for ASTU, Ms. Elizabeth, and the Grade 9 MHTA Judy Sirilie, who was present also.

August 20, 2021 was not the first time that Kizle Redhead and others were getting patients to attack me, to assault me, and to make allegations on me. As a result, due to my feeling traumatized I asked Ms. Thomas, if I can be sent off duty.

August 2021

I spoke with Ms. Wong and she informed me to file the second workplace violence about January 20, 2020, and she would email Jeff Williams WPV Liaison. (See Documentation)

July 29, 2021

On July 29, 2021 I filed a grievance about my being placed on the ASTU night shift grid for Ward 2B.

(See documentation)

October 8, 2020

On October 8, 2020, at 12:00PM there was a video conference held regards to the 5 charges, a proposal of a Notice of Discipline and 4 weeks of suspension without pay. The administration is in violation of my civil and employee rights because I was never given due process. Infact, the Administration are treating me unfairly, unequally and forcing me out of the workplace by discriminating against me, harassing me, targeting me, stalking me, bullying me, intimidating me, blackballing me, slandering my name, tarnishing my work reputation, keeping me unstable in the workplace, not having the use of a locker and the nursing department getting the grade 9 MHTA's to help them to gang up on me and the MHTA's are using the patients to help the administration to come after my employment. (See documentation).

August 28, 2020

On August 28, 2020, while I was working on ward 2B night shift Ms. Matthew Sajuta, who is a nurse administrator 1 was making rounds at 5:00AM. I was speaking with Ms. Sajuta about returning to my primary ward which is 8A. I told Ms. Sajuta, that "I'm going to write to the Commissioner of OMH while I'm on my pass days from work." Ms. Sajuta, asked me "what is the Commissioner's name" I respond, "Ms. Ann Marie T. Sullivan" about 5:40 AM I received a call from Ms. Jaya Thomas, informing me "You need to return back to your ward right away" I asked Ms. Thomas who will be covering my duties" Ms. Thomas, responded "don't worry about that get your personal belongings and leave now their waiting on you". The administration continues to show me I am not entitled to work on ward 8A. Can the court please on my behalf ask the administration why I am not entitled to work on ward 8A. The

administration and nursing department are in violation of my employee rights because the "administration and nursing department continues to wrongfully put me off my primary ward 8A. (See documentation).

July 1, 2020

-On July 1, 2020, I was informed that I had to appear in personnel at 8AM on the 14th floor. Ms. Clara Ortiz and I had a meeting. Ms. Ortiz informed me about five charges that the Executive Director Ms. Martha Adams-Sullivan and the Chief of Service Darron Gerson signed off on however I was not made aware by Ms. Ortiz that I was given a Resignation package that was in the same envelope as the five charges that I appealed at CSEA Unit. I was given a proposal of an NOD and 4 weeks of suspension Without Pay. With the 5 charges there was a history of disciplinary action which was a NOD and a counsel dated for August 9, 2019, which I was never made aware of the counsel until July 1, 2020. I questioned Mr. Alfred Lane a former Union Representative of CSEA about the interrogation concerning the 1:1 recording sheet and Mr. Lane responded, "It was unfounded." (See documentation)

- After meeting with Ms. Ortiz, I went to personnel, and I observed Ms. Jones HR Director in personnel. I was trying to ask Ms. Jones if we can make some arrangements to meet and before I could ask for her assistance Ms. Jones dismissed me by saying "OH YOUR NAME IS IN THE AIR"

March 12, 2020

On March 12, 2020, at 8:30AM I was interrogated by Aixa Diaz Affirmative Action Officer from the GOER for an alleged discrimination in the Human Resources Office located on the 14th floor of building 40.

(See Documentation)

March 3, 2020

On March 3, 2020, I wrote Executive Director Martha Adams-Sullivan a letter regarding the difficulties that I was experiencing while working on ward 8A night shift with Grade 9 MHTA Kizle Redhead.

(See documentation)

January 2020

I did a follow up to inform Ms. Louis about Grade 9 MHTA Kizle Redhead assaulting me again on January 20, 2020, and Ms. Louis stated "Ms. Adrienne Jones told me that she filed a Discrimination complaint

against you and Ms. Adrienne Jones told me that Jeff Williams told her that if she moves then you have to be reassigned too" however Kizle Redhead never moved from Ward 8A night shift.

January 20,2020

On January 20,2020 about 12:40AM I was assaulted by Grade 9 MHTA Kizle Redhead while working on ward 8A night shift. (See Workplace Violence Documentation).

December 2019

I met with Ms. Jean Marie Louis CNO to inform her about Grade 9 MHTA Kizle Redhead behaviors and how she assaulted me while working on ward 8A. Ms. Louis informed me "I'm going to have her reassigned".

December 19, 2019

On December 19, 2019, I was assaulted by Grade 9 MHTA Kizle Redhead while working overtime on 8A day shift. (See Workplace Violence Documentation).

November 18, 2019

I met with the Chief of Service Dr. Darron Gerson to discuss Grade 9 MHTA Kizle Redhead behaviors while working with me on ward 8A night shift and to inform him about the way in how she uses the patient care to harass me, and present was the former Treatment Team Leader Keisha of ward 8A.

July 2019

Here is a timeline of the activities that I am reporting:

- I was informed by the supervisor that I had to appear in Risk Management to give statement.
- On July 16, 2019, I had to appear on the 14th floor with Human Specialist Jose Martinez to be interrogated. (See documentation)
- I was allowed to return to ward 8A night shift.
- The patient reported to me that Grade 9 MHTA Kimberly Hutchinson told him "Call the Justice Center - so she can get fired and lose her pension the one with the Big Butt". (See Risk Management)

April 18, 2019

Chief of Service Dr. Darron Gerson and the former night shift ADON Ms. Jaya Thomas was making rounds on ward 8A night shift about 4:45AM. They stopped at two individuals who were monitoring 1:1 and to verbally counsel them about what they had observed. After speaking with the two workers Dr. Gerson and Ms. Thomas approached me while I was monitoring a patient on 1:1 and Ms. Thomas "Ms. Sullivan it's 4:45Am and you have the recording on the recording sheet 15 minutes to early". About 6AM I was told that I had a phone call and when I answered the call I was told "Ms. Sullivan you can't work ward 8A and you have to go to ward 8 and I was also informed that I could not monitor 1:1".